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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,439	12/29/2003	Bennett Cookson JR.	019404-001500	2381

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TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
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CABUCOS, MARIE G

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/748,439

Applicant(s)

COOKSON ET AL.

Examiner

Marie Antoinette Cabucos

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/29/03 and amendment filed on 10/24/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-23 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14-23 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 7-9, 15-17, 21-23 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kent W. Huff (US Patent no. 6,760,731).

Regarding claims 1 and 15, Huff discloses a system and method for consolidating genealogy records, comprising a processor programmed to partition the records using at least one index file to form one or more partitions, wherein each record represents an individual and includes a name data element and at least one additional data element selected from a group of data elements consisting of birth date, birth place, death date, and death place, and wherein each record has links associated therewith, wherein the links identify related records representing an individual related to

the individual of the record (col. 6, lines 53-56); sorting the records in a partition based on a data element in the records; comparing records within a sort range (col. 25, lines 30-35); based on the comparison, identifying same person records, wherein identifying same person records comprises: calculating a factor that represents the likelihood that two records represent the same individual; comparing the factor to a predetermined threshold; based on the comparison, provisionally determining whether the records represent the same individual; for each pair of records provisionally determined to represent the same individual: calculating a factor that represents the likelihood that respective mother records for the pair of records represent the same mother; calculating a factor that represents the likelihood that respective father records for the pair of records represent the same father; using the factor that represents the likelihood that the two records represent the same individual, the factor that represents the likelihood that respective mother records for the pair of records represent the same mother, and the factor that represents the likelihood that respective father records for the pair of records represent the same father, calculating a revised factor representing the likelihood that the pair of records represent the same individual; comparing the revised factor to a predetermined threshold; and based on the comparison, determining that the two records represent the same individual (col. 15, lines 63-67 and col. 16, lines 1-14); consolidating information in the same person records; receiving a request from a user to view at least a portion of the consolidated information for a particular group of same person records; and sending a file comprising the portion to the user (col. 25, lines 30-35).

3. Regarding claims 2 and 16, Huff discloses a system and method according to claims 1 and 15, wherein the processor, in being programmed to partition the records using at least one index file is further programmed to use a surname index to identify records having the same surnames and grouping those records into a surname partition (col. 15, lines 63-65).
4. Regarding claims 3 and 17, Huff discloses a system and method according to claims 2 and 16, the processor is further programmed to use the surname index to identify records having similar surnames and group those records into the surname partition (col. 6, lines 34-36).
5. Regarding claims 7-9 and 21-23, Huff discloses a system and method according to claims 1 and 15, wherein the processor, in being programmed to sort the records in a partition based on a data element in the records is further programmed to sort the records based on birth date, also to sort the records based on a selection from the group consisting of name, death data, death place, and birth place (col. 6, lines 53-56); and wherein the processor, in being programmed to compare records within a sort window is further programmed to compare records within a birth date range (figure 4).
6. Regarding claims 14 and 28, Huff discloses in figure 5 a system and method according to claims 1 and 15, wherein the portion comprises a family tree based on consolidated information from a plurality of records (col. 26, lines 29-33).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huff in view of Kane et al (US Patent no. 6,389,429).

Huff discloses all the claim elements as disclosed previously except for the processor further programmed to use a phonetic algorithm to identify records having similar surnames. Kane discloses an encoded field indexing form in which fields are phonetically encoded using the Soundex Algorithm that captures a representation of a word (col. 5, lines 66-67 and col. 6, lines 1-3). It would have been obvious by one having ordinary skill in the art, at the time of the invention, to further program processor of Huff with the algorithm disclosed in Kane so as to normalize away spelling and typographical errors. Col. 6, lines 4-6).

***Response to Arguments***

Applicant's arguments filed 10/24/2006 have been fully considered but they are not persuasive.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to Millet et al (US Patent no. 4,8817,036) discloses a computer system and method for database indexing and information retrieval.

Prior art of record to Michael Smolsky (US Patent no. 6,947,933) discloses identifying similarities within large collections of unstructured data.

Prior art of record to Elliott et al (US Publication no. 2002/0156779) discloses an internet search engine.

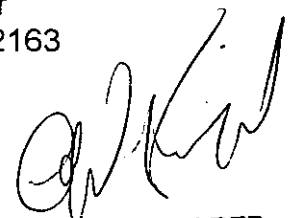
***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos  
Examiner  
Art Unit 2163



**ALFORD KINDRED  
PRIMARY EXAMINER**